

Entered - 07/17/01 - sb
CL01L0449 - DIANNE C. MITCHELL

01- *R* -1247

CLAIM OF: **SHIRLEY ADDISON,**
through her attorney,
William T. Mitchell
600 West Peachtree Street, NW
Suite 605
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of violation of
civil rights while detained on January 30, 2001 through February 3,
2001 at 254 Peachtree Street, SW

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT
CITY COUNCIL SEP 04 2001

ADVERSE REPORT

PUBLIC SAFETY &

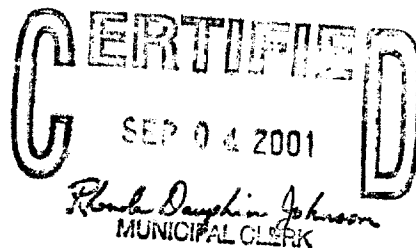
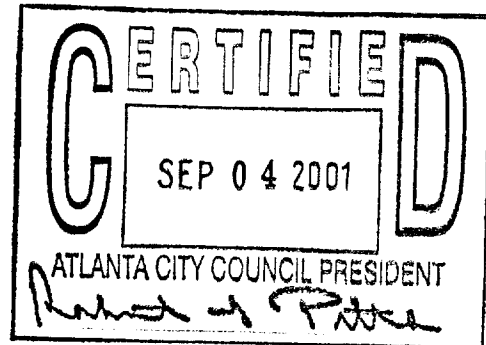
LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 04 2001

CHAIR: *C. T. Martin*

[Signature]

Chela Henderson





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

September 12, 2001

William T. Mitchell
Attorney at Law
600 West Peachtree St., NW
Suite 605
Atlanta, GA 30308

01-R-1247

RE: Shirley Addison

Dear Attorney Mitchell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0449

Date: July 26, 2001

Claimant /Victim SHIRLEY ADDISON
BY: (Atty.) William T. Mitchell
Address: 600 West Peachtree Street, NW, Suite 605, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$ **\$1,000,000.00**
Date of Notice: 06/17/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/30-02/03/01 Place: 254 Peachtree Street, SW
Department Corrections Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her civil rights were violated when she was beaten by corrections officers and that she was denied medical treatment. An investigation by the Department of Corrections, Office of Professional Standards determined that the evidence was insufficient to sustain the claimant's allegations. Furthermore, in a sworn statement made to the Office of Professional Standards the claimant recanted her allegations of having been beaten while detained and that her injuries where the direct result of having fallen in the police transport van when the officer was forced to make an abrupt stop. After the injury occurred, the claimant was taken to Grady Hospital by the transporting officer, where she was treated and then taken to the Atlanta City Detention Center.

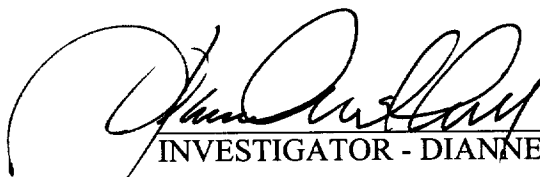
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 07-26-01
Committee Action: Council Action

Mitchell Law
07/16/01
[Signature]

CRUSER & MITCHELL, LLP

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6-22

Writer's Direct Dial
(404) 881-2633

Writer's E-Mail Address
bmitchell@cmlawfirm.com

OF COUNSEL:
CHRISTINE H. HALL

ENTERED - 7-17-01 - SB

0110449 - DIANNE MITCHELL

June 18, 2001

Via Certified Mail - Receipt No. 7000 1670 0010 6644 8194
Mayor Bill Campbell and
City Council Members
55 Trinity Avenue, Suite 2400
Atlanta, Georgia 30335

RE: Claimant : Shirley Addison
Date of Loss : January 30 - February 3, 2001
Place of Incident : Atlanta City Detention Center, 254 Peachtree Street,
S.W., Atlanta, Georgia

Dear Mayor and Council Members:

Please be advised that the undersigned and the law firm of Cruser & Mitchell, LLP have been retained to represent Shirley Addison in connection with an incident which occurred on or about February 3, 2001 at the Atlanta City Detention Center, 254 Peachtree Street, S.W., Atlanta, Georgia involving Shirley Addison and some not-yet identified corrections officers. Pursuant to O.C.G.A. § 36-33-5, this letter shall serve as written notice of the claim and/or claims of Ms. Addison against the City of Atlanta and these officers.

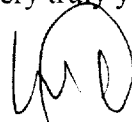
On January 30, 2001 at approximately 4:00 p.m., Ms. Addison, who suffers from mental illness, was arrested for theft by shoplifting. Ms. Addison was taken to the Atlanta City Detention Center. She stayed in this facility until on or about February 3, 2001. During her stay in the Atlanta City Detention Center, Ms. Addison was severely beaten by city detention officers. Ms. Addison was not properly treated for her injuries.

Please be advised that we believe the actions of these corrections officers amount to assault and battery as well as excessive force and intentional infliction of emotional distress under state law. Furthermore, Ms. Addison was denied proper medical treatment for the injuries she sustained at the hands of city employees. The officers also violated Ms. Addison's civil rights under both the State and Federal Constitutions. Because of the officers' actions, Ms.

Mayor Bill Campbell
and City Council Members
June 18, 2001
Page 2

Addison also may assert claims for negligent hiring, training and supervision. Based on the wrongs inflicted by the officers, we are hereby making a claim in the amount of \$1,000,000.00 to compensate Ms. Addison for her injuries and pain and suffering.

Very truly yours,

A handwritten signature in black ink, appearing to be 'W. T. Mitchell', written over a circular stamp or seal.

William T. Mitchell

WTM:mb

RCS# 3092
9/04/01
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE
1247

Public Safety Consent Agenda except #15

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE